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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/943,871 | 08/30/2001 | Peter A. Barany | NORT-0102-US 13554RRUS02U | 2245 |
| 21906 | 7590 | 06/02/2006 | EXAMINER | |
| TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631 | | | GAUTHIER, GERALD | |
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2614

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,871

Applicant(s)

BARANY ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claim(s) 1-4, 9, 10, 12, 14-17, 20, 22, 24-26 and 28** are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar (US 6,748,246) in view of Balachandran et al. (US 7,006,477 B1).

Regarding **claims 1 and 20**, Khullar discloses on item 300 Fig. 3, a controller. Khullar teaches on column 6 lines 4-10, the controller receives input signals of low power indicating a desire of changing the access technology. The controller processes the signals and selects one of supported access technologies (claimed "protocol stacks").

The controller on a multimode terminal device (Fig. 3) can be read as claimed "wireless network controller".

Further, Khullar also discloses on column 7 lines 23-35, the "selection" by a controller may also take place at a base station (also read on claimed "wireless network controller"). Any message sent between a wireless terminal and a base station must be over an air interface.

Khullar fails to disclose the selection being done at the network side.

However, Balachandran teaches the wireless network selecting the protocol stacks based on the indicator (column 5, lines 12-37 and lines 53-65).

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Khullar using the teaching of the wireless network with multiple protocols as taught by Balachandran.

This modification of the invention enables the system to have the selection being done at the network side so that the user would have voice and data.

Regarding **claims 2, 15 and 22**, rejections as stated in claim 1 above apply.

Khullar in combination with Balachandran fail to disclose "selecting one of plural types of protocol stacks comprises selecting from protocol stacks comprising a GERAN protocol stack".

However, Balachandran teaches on (column 5 lines 24-37), GERAN and EGPRS used techniques between a mobile station and a base station.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in combination with Balachandran to have the "selecting one of plural types of protocol stacks comprises selecting from protocol stacks comprising a GERAN protocol stack" as taught by Balachandran such that the modified system of Khullar in combination with Balachandran would be able to support the system users conveniences of selecting the GERAN technology for a better communication.

Regarding **claims 9, 10, 14, 24 and 25**, rejections as stated in claim 1 above apply.

Khullar discloses on column 3 lines 11-25, a determination of minimum radiated power level between different access technologies is a "contention resolution".

Regarding **claims 3, 4, 16 and 17**, the modified system of Khullar in combination with Balachandran as stated in claim 2 above failed to teach "EGPRS protocol".

However, Balachandran teaches on (column 5 lines 24-37), EGPRS protocol.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in combination with Balachandran to have the "EGPRS protocol" as taught by Balachandran such that the modified system of Khullar in combination with Balachandran would be able to support the system users conveniences of selecting the EGPRS technology for a better communication.

Regarding **claim 12**, Khullar in combination with Balachandran fail to disclose "the parameter comprises receiving a GERAN contention resolution identity".

However, Balachandran teaches on (column 5 line 24-37), GERAN used techniques between a mobile station and a base station.

Khullar discloses on column 4 Table 1, various contention resolution identities for determining the access technology.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in combination with Balachandran to have the "the parameter comprises receiving a GERAN contention resolution identity" as taught by Balachandran such that the modified system of Khullar in combination with Balachandran would be able to support the system users to receive the parameter to indicate GERAN connection.

Regarding **claim(s) 26 and 28**, Khullar in combination with Balachandran fail to teach “contention resolution using indicator to distinguish between different mobile stations”. As Khullar discloses access technology is selected (contention resolution) in a multi-mode mobile station.

Therefore, “Official Notice” is taken that “multiple mobile stations with different modes” is old and well known to one skilled in the art.

It would have been obvious to one skilled in the art at the time the invention was made to modify Khullar’ s system so that selecting different access technologies among different terminals with different modes can be supported to the users.

5. **Claims 5-8, 11, 18, 21 and 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar in view of Balachandran, and further in view of Sevanto et al (US 6,848,008).

Regarding **claims 5, 11 and 23**, rejections as stated in claim 1 above apply.

Khullar in combination with Balachandran fail to disclose “receiving the indicator comprises receiving a temporary logical link identity structure having one of plural values”.

However, Sevanto teaches receiving the indicator comprises receiving a temporary logical link identity structure having one of plural values on (column 4 lines 17) TLLI.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in combination with Balachandran to have the “receiving the indicator comprises receiving a temporary logical link identity structure having one of plural values” as taught by Sevanto such that the modified system of Khullar in combination with Balachandran would be able to support the system users to use the temporary logical link identity structure to accurately indicate the protocol.

Regarding **claims 6-8, 18 and 21**, the modified system of Khullar in combination with Balachandran and Sevanto et al as stated in claim 5 above failed to teach “selecting one of plural types of protocol stacks comprises a first protocol stack if the temporary logical link identity structure has a first value”.

However, Sevanto teaches on column 4 lines 19-34, different TLLI identity for different communication connection.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in combination with Balachandran and Sevanto to have the “selecting one of plural types of protocol stacks comprises a first protocol stack if the temporary logical link identity structure has a first value” such that the modified system of Khullar in combination with Balachandran and Sevanto would be able to support the system users to indicate different protocol stack by different TLLI values.

6. **Claim 13** is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar in combination with Balachandran as applied to claim 1 above, and further in view of Sebire (US 6,870,858).

Khullar in combination with Balachandran fail to disclose "receiving the indicator comprises receiving one of plural training sequences".

However, Sebire teaches on column 2 lines 25-61, training sequences signaling for EGPRS.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in combination with Balachandran to have the "receiving the indicator comprises receiving one of plural training sequences" as taught by Sebire such that the modified system of Khullar in combination with Balachandran would be able to support the system users conveniences of receiving the indicator which comprises training sequences.

7. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Khullar in combination with Balachandran as applied to claim 1 above, in view of Park et al (US 6,853,852).

Khullar in combination with Balachandran fail to disclose "selecting protocol stacks in the wireless network controller comprises selecting protocol stacks in a base station and radio network controller".

However, Park teaches on column 5 lines 20–61, protocol stack is implemented between a mobile station, a base station, and a wireless network. The protocol stack must be selected among a mobile station, a base station, and a wireless (radio) network controller for the flow of wireless data communication.

It would have been obvious to one skilled at the time the invention was made to modify Khullar in combination with Balachandran to have the “selecting protocol stacks in the wireless network controller comprises selecting protocol stacks in a base station and radio network controller” as taught by Park such that the modified system of in combination with Balachandran would be able to support the system users better wireless data communication by selecting protocol stacks among a base station and a radio network controller.

Response to Arguments

8. Applicant's arguments with respect to **claim(s) 1-28** have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter


9. **Claim 19** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Examiner
Art Unit 2614

GG
May 17, 2006